Gazette No. 27 dated 2nd July 1957.

PART I

GOVERNMENT OF KERALA

PUBLIC (MISCELLANEOUS B) DEPARTMENT PROCEEDINGS.

Dated, Trivandrum, 25-6-1957.

Integration of Services—Stationery Department—Preparation of common Gradation list—abolition of Separate Cadre System.

Read: (1) G. P. R. Dis. 18534|54|CS., dated 16-4-1955

(2) G. P. S. 1-2-17115|56|PD., dated 24-10-1956 and

(3) Letter No. S4-4273|56, dated 3-1-1957 from the Controller of Stationery.

ORDER NO. MB2-977|57|PD.

The Civil and Gradation list of the Stationery Department of the former T-C State was prepared keeping the erstwhile Travancore and Cochin Officers in separate cadres as per G.P. read as 1st paper above. Government considered that unless common gradation list of the personnel in the Department was not prepared, there would be difficulties for effecting the integration of services consequent on the State Reorganisation and they ordered in Proceedings No. SI-2-17115|56|PD, dated 24-10-56 that the various categories of officers in the Travancore and Cochin Cadres in the Stationery Department should be integrated and brought on a common gradation list. The combined gradation list of the staff of the Stationery Department has been prepared as on 1-4-1956 on the basis of the following general principles:—

"(i) The seniority of Travancore personnel as between themselves or of the Cochin personnel as between themselves has not been disturbed.

(ii) Permanent officers of one branch have been integrated with the permanent officers of the other branch. Temporary and officiating officers have been similarly integrated.

(iii) The relative seniority of the Travancore and Cochin personnel in any class or grade in the common seniority list has been determined with reference to the date of commencement of continuous service in the same or similar class or grade of posts. Where promotions and confirmations in higher grades have given to persons in the two branches of service on the same date, total continuous service in the class of post has been taken as the criterion for determining the relative seniority as illustrated below:—

"If person 'A' in Travancore cadre is promoted on a particular date to the first grade where there are two grades in the same class of posts and confirmed on the same date and if 'B' in Cochin cadre is also promoted to the I Grade and confirmed

on the same date on which 'A' was promoted and confirmed, then the relative seniority of 'A' and 'B' will be determined with reference to total continuous service in both grades taken together irrespective of the grade of pay.

(iv) Integration in the lowest grade in any class of post has been effected on the basis of the total continuous service in that class of post".

Clerks on Rs. 45-75 and 30-45.

Though the scales of pay of Rs. 30-45 and 45-75 have been merged into a single time-scale of pay of Rs. 30-75 with effect from the date of reorganisation of the Departments, in the gradation list, clerks have been nominated to the two grades of Rs. 30-45 and Rs. 45-75. By the unification of the two grades Government have no intention to upset the seniority fixed for the clerks in the grade of Rs. 30-45 and 45-75. The clerks in these two grades have been integrated with reference to the length of total continuous service as clerks.

Typists on Rs. 45-75 and 30-45.

The typists in the two grades have also been integrated with reference to the length of total continuous service as typists.

2. A combined civil and gradation list of the Stationery Department drawn up as on 1-4-1956 on the basis of the above general principles is appended.

3. The Controller of Stationery is requested to publish the list among the officers and staff of the Department inviting appeals from aggrieved persons, if any, to be presented within one month of such publication and forward them to Government with his specific recommendations in each case. Government wish to make it clear that petitions questioning any of the principles of integration adopted in the preparation of the combined civil and gradation lists will not be entertained.

By order of the Governor,
C. P. GOPALAN NAYAR,
Joint Secretary.

To

The Controller of Stationery.
The Comptroller.
The Finance Department.
The Secretary, Public Service Commission (with C.L.)
The Gazette.
The Public Department (Integration).

GRADATION LIST

of the

STATIONERY DEPARTMENT

(Travancore-Cochin)

as it stood on 1-4-1956

Gradation list of the Stationery Department,

Sl. No.	Name and designation.	Qualification General.	Qualification Special.	Date of birth.	Date of commencement of continuous service.
1	2	3	4	5	6
	1 Head Clerk on Rs. 125-7 1/2-100.				
1	K. V. Mathew	E.S.L.C.	Account Test	18-4-1089 M.E.	15-7-1933
	1 Head Accountant on Rs. 125-200.				
1	R. Somasundaram Pillai	E.S.L.C.	Travancore Pleadership Account Test	13-9-1076 M. E.	14-12-1925
	S. Sathyadas Ag.	..	..	..	..
	3 Upper Division Clerks on Rs. 80-150 and 1 Head Clerk in the Stationery Office, Ernakulam on Rs. 80—150.				
1	S. Sathyadas	Intermediate	Account Test	11-6-1088 M.E.	29-6-1943
2	P. Parameswaran Tampi	E.S.L.C.	do.	11-6-1085	25-3-1943
3	K. P. Meerakannu Rowther	do.	do.	10-9-1097	20-11-1943
4	P. Padmanabha Menon	S.S.L.C.	Civil Account Test, Stamp Manual	12-10-1077	29-11-1921
	K. Sadanandan	..	..	..	..
	P. C. George	..	..	..	..
	15 Lower Division Clerks on Rs. 40-120 (Clerks 14 (3 Temporary till 12-7-1956) Clerk-Store-Keeper 1)				
1	V. P. Nilakanta Iyer	E.S.L.C. holder	Account Test Part I	31-11-1080	20-10-1936

Travancore-Cochin, as it stood on 1-4-1956.

Date of appointment to the precession post.	Date of confirmation to the precession post.	Date of appointment to the present scale.	Date of confirmation to the present scale.	Pay on 1-4-56	Remarks.
7	8	9	10	11	12
				Rs.	
1-4-1954 (115-150)	..	1-4-1955	10-11-1955	150	
11-2-1953	11-1-1953	do.	1-4-1955	150	On leave preparatory to retirement due to retire on 17-4-1956 F.N.
..	..	20-1-1956	..	144	Acting
9-2-1951 (80-120)	1-4-1953 (80-120)	1-4-1955	1-4-1955	144	He was in the scale of Rs. 80-100 from 17-8-1946
1-5-1952 (80-120)	21-5-1954 (80-110)	do.	do.	115	O.D. in the Civil Supplies Department
1-5-1951 (80-120)	..	do.	10-12-1955	110	Acting continuously in the scale of Rs. 80-110 from 1-5-1951
28-3-1955 (80-120)	..	do.	14-4-1955	132	Head Clerk, Ernakulam. Declared junior to all those in the scale of Rs. 80-120 on 18-3-1955, the date of his joining duty in this Department, vide G.P.F. 5-3710/54/RD. dated 1-11-1955.
1-4-1954 (80-120)	..	do.	..	105	Continuously acting.
	..	20-1-1956 (80-150)	..	95	
17-8-1946 (45-75)	17-8-1946 (45-75)	1-4-1955	1-4-1955	90	

Sl. No.	Name and designation.	Qualification General	Qualification Special	Date of birth.	Date of commencement of continuous service.
1	2	3	4	5	6
2	K. P. Govindankutty Menon	S.S L.C.	Account Test, Revenue Test, Huzur Office Mannal Test	-10-1089	3-8-1937
3	T. C. Ambujakshi	S.S.L.C.	Account Test, Revenue Test, Huzur Office Manual Test	7-12-1094	10-9-1941
4	K. V. Ramachandran	do.	Civil Acconnt, Stamp Manual Test, Huzur Office Manual	6-2-1098	6-7-1943
5	K. Sadanandan	M.A.	Account Test	25-11-1098	29-4-1944
6	P. C. George	E.S.L.C.	do. Travancore Chain Survey Test, Survey & Levelling (higher) Type-writing (lower), Book-keeping	5-2-1098	25-1-1945
7	R. Sreedharan Pillai	B.A.	Account Test, Secretariat Manual, Revenne Test & T.T.C.	11-11-1097	21-8-1946
8	G. I. Chandy	E.S.L.C.	Account Test, Secretariat Manual	29-1-1099	23-6-1947
9	E. Balakrishna Pillai	Intermediate	do.	9-2-1104	5-7-1951
10	G. Sreedharan	E.S.L.C.	do.	10-5-1096	20-9-1954
11	K. Sasidharan	Matriculation	do.	29-11-1918	9-7-1951
12	Norbert S. Miranda	B.A.	do.	10-11-1930	15-7-1953

Date of appointment to the pre-revision post.	Date of confirmation to the pre-revision post.	Date of appointment to the present scale.	Date of confirmation to the present scale.	Pay on 1-4-56	*Remarks.
7	8	9	10	11	11
				Rs.	
16-11-1946 (45-75)	1-7-1949 (45-75)	do.	do.	100	
16-11-1946 (45-75)	1-7-1949 (45-75)	1-4-1955	1-4-1955	100	The relative ranks in the approved gradation list are not disturbed.
16-11-1946 (10-75) (P.S.)	1-7-1949 (30-75)	do.	do.	95	
21-4-1949 (45-75)	21-2-1953 (45-75)	do.	do.	100	O.D.
20-7-1946 (10-45)	9-1-1951 (30-75)	do.	do.	95	Continuously acting on Rs. 45-75 from 14-6-1948 O.D.
11-8-1946 (30-45)	9-1-1952 (30-75)	do.	do.	70	Continuously acting on Rs. 45-75 from 21-3-1949 Opted to remain in the scale of Rs. 30-75 upto 6-2-1957. Promoted to the scale of Rs. 80-150 on 1-2-1956 to 2-3-1956 and on 10-9-1956.
23-6-1947 (30-45)	1-4-1953 (30-75)	do.	do.	85	Promoted on Rs. 80-150 on 14-9-1956. Continuously acting.
5-7-1951 (30-45)	21-5-1954 (30-75)	do.	do.	67	Promoted to the scale of Rs. 80-150 on 17-5-1956.
10-9-1954 (45-75)	..	do.	do.	50	Clerk-Store-Keeper. First effective service on 31-1-1947. Opted to remain in the old scale of Rs. 45-75. Promoted to the scale of Rs. 80-150 on 8-10-1956 to 3-11-1956.
21-6-1954 (45-75) (30-75)	..	do.	6-11-1955	67	
15-7-1953 (45-75) (30-75)	..	do.	10-12-1955	55	

Sl. No.	Name and designation.	Qualification General	Qualification Special	Date of birth.	Date of commencement of continuous service.
1	2	3	4	5	6
	K. Madhavan Nair	Matriculation	Secretariat Manual. Account Test Parts I, II, IV	8-8-1099	17-7-1953
	A. Sarada	E.S.L.C.	Secretariat Manual	11-1-1105	18-7-1953
	M. Azhakesan	do.	do. Account Test Parts III & IV	20-12-1105	14-9-1953
	P. Ponnayyan Nadar	B.A.	Secretariat Manual, Account Test Parts I & II	15-10-1102	1-3-1954
	P. Sreekandan Nair	Intermediate	Secretariat Manual, Accoent Test, Training for Clerks and Accountants	15-9-1103	1-8-1954

4 *Attenders on Rs. 30-1-40 (3 Trivandrum and 1 Ernakulam).*

1	L. Geevarghese	V.S.L.C.	L.G.T.T.C.	10-11-1090	16-3-1945
2	P. Ponnayyan Nadar	B.A.	Secretariat Manual, Account Test Part I & II	15-10-1102	7-12-1953
3	P. Sreekandan Nair	Intermediate	Secretariat Manual, Account Test, Training for Clerks and Accoentants	27-4-1928/ 15-9-1103	12-12-1953
4	R. Sivasankara Panicker	E.S.L.C.	..	27-2-1107	17-1-1955
	K. K. Balakrishnan	do.	..	30-12-1103	17-1-1955
	K. Narayana Pillai	Matriculation	Village Officers' Test, Travancore Survey Test	17-5-1100	26-8-1955

1 *Typist on Rs. 80-150.*

	N. Kesavan Tampi	Exempted from Educational qualification, *vide* G. P. R. Dis. No. 184/35/Sty. dated 15-5-1935		20-3-1083	27-2-1932

Date of appointment to the pre-revision post.	Date of confirmation to the pre-revision post.	Date of appointment to the present scale.	Date of confirmation to the present scale.	Pay on 1-4-56 Rs.	Remarks.
7	8	9	10	11	11
17-7-1953 (45-75) (30-75)	..	1-4-1955	..	55	
18-7-1953 (30-45) (30-75)	..	do.	..	55	
14-9-1953 (30-45) (30-75)	..	do.	..	46	
1-3-1954 (30-45) (30-75)	..	do.	..	49	
1-8-1954 (30-45) (30-75)	..	do.	..	43	
16-3-1945 (10-25)	1-7-1949 (10-25)	do.	1-4-1955	34	
7-12-1953 (10-25)	7-12-1953 (10-25)	do.	do.	30	O.D.
11-12-1953 (20-25)	11-12-1953 (20-15)	do.	do.	31	O.D.
17-1-1955 (10-25)	17-1-1955 (20-25)	do.	do.	30	
17-1-1955 (20-25)	..	do. ..	..	.. 30	
..	..	do.	..	30	
		..		..	
17-8-1946 (45-75)	17-8-1946 (45-75)	do.	1-4-1955	105	

Sl. No.	Name and designation.	Qualification General.	Qualification Special.	Date of birth.	Date of commencement of continuous service.
1	2	3	4	5	6
	2 Typists on Rs. 40-120 (1 Trivandrum and 1 Ernakulam).				
1	P. V. Ammini Ammal	S.S.L.C.	Typewriting (Lower-(M.G.T.E.)	21-7-1102	21-5-1946
2	K. Chellappan Nair	do.	Standing Orders, Stamp Manual, Huzur Office Manual, Typewriting M.G.T.E. (Lower)	22-1-1102	19-5-1953
	1 Store Keeper on Rs. 125-200.				
	C. Cheriyan	E.S.L.C.	Account Test	4-3-1079	1-4-1932
	1 Store Keeper (Ernakulam) and 1 Assistant Store Keeper (Trivandrum) on Rs. 80-150.				
	John Kurien	E.S.L.C.	Account Test	9-7-1078	18-1-1928
	R. Sreenivasa Vadhyar	S.S.L.C.	Civil Account Test, Stamp Manual Test	3-10-1077	12-2-1926
	1 Assistant Store Keeper on Rs. 40-120 (Ernakulam Stores).				
	K. S. Kumaran	Form IV	..	27-12-1081	25-10-1926
	1 Chief Mechanic on Rs. 80-150				
	K. Joseph Chacko	..	..	4-9-1903	17-8-1934
	4 Mechanics on Rs. 40-100.				
1	Leon Fernandez	..	..	13-9-1087	14-4-1942
2	V. Velayudhan Nair	V.S.L.C.	..	13-1-1097	25-2-1946
3	V. P. Purushothaman	S.S.L.C.	Typewriting (Lower)	15-7-1929	11-9-1950

Date of appointment to the pre-revision post.	Date of confirmation to the pre-revision post.	Date of appointment to the present scale.	Date of confirmation to the present scale.	Pay on 1-4-56 Rs.	Remarks.
7	8	9	10	11	12
10-8-1955 (30-45)	10-8-1953 (30-45) (30-75)	1-4-1955	1-4-1955	80	
19-5-1953 (30-45)	19-5-1953 (30-45)	do.	do.	41	He is allowed to continue in the scale of Rs. 30-110 from 1-3-1954 as he has elected to remain in that scale
21-2-1953 (125-150)	21-5-1954 (115-150)	do.	do.	155	
17-8-1946 (80-120)	1-7-1949 (80-120)	do.	do.	144	Assistant Store Keeper, Trivandrum Stationery Stores.
8-1-1949 (80-110) (P.S.)	1-7-1949 (80-125) (P S.	do.	do.	138	Store Keeper, Ernakulam Stores
29-6-1949 (45-75)	1-7-1949 (45-75)	1-4-1955	1-4-1955	105	
17-8-1946 (80-120)	1-11-1952 (80-120)	do	do.	144	
14-5-1949 (45-75)	9-2-1951 (30-75)	do.	do.	80	
25-10-1952 (45-75) (30-75)	15-10-1951 (45-75) (30-75)	do.	do.	71	
1-11-1951 (45-75)	1-11-1952 (45-75) (30-75)	do.	do.	75	

Sl. No.	Name and designation.	Qualification: General.	Qualification: Special.	Date of birth.	Date of commencement of continuous service.
1	2	3	4	5	6
	Mechanic on Rs. 40-100.				
4	R. Krishna Pillai	..	..	16-7-1093	19-1-1951
	3 Mechanics on Rs. 35-80.				
1	N. Divakaran	Form IV	Typewriting (Lower) (L.C.C.)	1-10-1101	6-1-1953
2	Patric Alexander	E.S.L.C. holder	..	7-1-1935	19-3-1954
3	K. Ravindran	Form IV	..	13-2-1111	15-1-1956
	7 Packers on Rs. 30-1-40 (6 in Trivandrum and 1 in Ernakulam).				
1	T. Raman Pillai	..	..	31-11-1074	6-3-1919
2	K. Narayana Pillai	..	..	31-10-1073	14-5-1921
3	M. John	..	..	24-9-1084	29-9-1933
4	S. Kesava Pillai	..	..	31-9-1072	22-8-1920
5	V. Narayana Pillai	..	..	31-7-1076	19-10-1946
6	M. Ramakrishna Pillai	..	..	7-12-1079	29-1-1947
7	M. G. Natarajan	S.S.L.C.	Huzur Office Manual	23-9-1923	19-8-1943
	1 Daffadar on Rs. 30-1-40.				
	K. Padmanabha Pillai	..	..	6-3-1087	30-9-1932
	1 Mochee on Rs. 25-1-35.				
	K. Kumara Pillai	Class V (Malayalam)	..	15-3-1092	14-6-1948
	9 Peons on Rs. 25-1-35 (5 in Trivandrum, 4 in Ernakulam).				
1	A. Padmanabhan Nair	..	..	15-12-1085	25-2-1930

Date of appointment to the pre-revision post.	*Date of confirmation to the pre-revision post.*	*Date of appointment to the present scale.*	*Date of confirmation to the present scale.*	*Pay on 1-4-56 Rs.*	*Remarks.*
7	8	9	10	11	12
19-1-1951 (30-45)	25-10-1951 (30-45) (30-75)	1-4-1955	1-4-1955	50	
6-1-1953 (30-45)	6-1-1953 (30-45)	do.	do.	44	
19-3-1954 (30-45)	..	do.	do.	41	
..	..	25-1-1956	..	35	
17-8-1946 (25-30)	17-8-1946 (25-30)	1-4-1955	1-4-1955	36	
do.	do.	do.	do.	36	
do.	do.	do.	do.	36	
do.	do.	do.	do.	36	
19-10-1946 (25-30)	10-12-1946	do.	do.	36	
29-1-1947 (25-30)	1-9-1947	do.	do.	36	
30-6-1949 (25-35)	30-6-1949	do.	do.	33	
23-6-1951	23-6-1951	do.	do.	35	
14-5-1949 (20)	19-11-1953 (20)	1-4-1955	1-4-1955	18	He commenced service on 29-9-1939 and continued in service till 4-1-1944. While on P.L. he left for war service and was re-appointed on 14-6-1948.
16-12-1946 (20)	(Super-numerary Head Peon)	1-4-1955	1-4-1955	30	

Sl. No.	Name and designation.	Qualification General	Qualification Special	Date of birth.	Date of commencement of continuous service.
1	2	3	4	5	6
	Peons on Rs. 25-1-35.				
2	K. T. Thommen	..	..	26-8-1087	19-5-1935
3	R. Kuttan Pillai	..	..	29-11-1088	1-5-1937
4	N. T. Raman Menon	..	..	5-4-1094	17-9-1943
5	K. P. Kesavan	Class VII	..	19-6-1097	17-3-1945
6	A. Madhavan Pillai	..	..	26-12-1094	22-2-1943
7	Joseph Yesudian	V.S.L.C.	Travancore Survey, Village Officers' Test	6-3-1089	14-5-1946
8	R. Bhaskaran Nair	..	..	24-6-1098	24-3-1947
9	B. Ananthapadmanabha Iyer	V.S.L.C.	..	5-9-1100	5-7-1947
	A. T. Jacob	Literacy in English & Malayalam	..	12-12-1095	8-9-1948
	P. Viswanatha Iyer	V.S.L.C.	Malayalam Typewriting	11-9-1101	15-1-1947
	1 Lorry Driver on Rs. 35-90.				
	T. K. Sethumadhavan Nair	..	..	17-8-1094	10-12-1943 to 15-12-1946 18-2-1950 to 31-3-1955 Temporary from 1-4-1955

Date of appointment to the pre-revision post.	*Date of confirmation to the pre-revision post.*	*Date of appointment to the present scale.*	*Date of confirmation to the present scale.*	*Pay on 1-4-56 Rs.*	*Remarks.*
7	8	9	10	11	11
16-11-1946	16-11-1946	1-4-1955	1-4-1955	30	
14-5-1949 (10)	14-5-1949 (10)	do.	do.	30	Acting Packer 26-4-43 to 14-5-43, 27-5-49 to 19-8-49, 1-2-51 to 18-9-55, 2-2-56 to 1-3-56, 1-4-56 to 1-5-56, from 15-5-56 continuously acting as packei
16-11-1946 (10)	11-5-1949 (20)	do.	do.	30	
14-5-1949 (20)	14-5-1949 (20)	do.	do.	..	Under suspension fiom 6-8-1951
do.	do.	do.	do.	19	
do.	do.	do.	do.	17	O.D. Transferred to Madras State.
do.	23-12-1953	do.	do.	17	
do.	1-3-1954	do.	do.	27	
do.	do.	do.	do.	17	
..	..	do.	do.	28	
..	..	do.	do.	45	Confirmed on 11-7-1956.

Gazette No. 27 dated 2nd July 1957.

PART I

Labour and Local Administration Department.

NOTIFICATION

No. L. Dis. 9693/57/L&LAD.

Dated, Trivandrum, 24th June 1957.

The award of the Industrial Tribunal, Trivandrum under Section 33A of the Industrial Disputes Act 1947 in respect of the dispute between the Management of M/s. K. Kesavan and Sons Saw Mills, Kilikolloor and their workmen Sri K. Gopalan and fifteen others received by Government on 18th June 1957 is hereby published under Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. I. JACOB,
Secretary.

Before

SRI K. PURUSHOTHAMAN NAIR, B. A., B. L.,
Industrial Tribunal, Trivandrum.

INDUSTRIAL DISPUTE No. 37 OF 1956

Between

Messrs. K. Gopalan
K. Sadanandan
P. K. Raghavan
N. Raghava Kurup
P. Yohannan
R. Kesavan
K. Janardanan
N. Divakaran
P. Arjunan
K. Jalal
K. Sankaran
K. Kumaran
P. K. Bhaskaran
K. N. Sundaresan
A. Balabhadran
P. Kunju Pillai

} *Workers of Messrs. K. Kesavan & Sons Saw Mills, Kilikolloor*

And

THE MANAGER, MESSRS. K. KESAVAN & SONS SAW MILLS, KILIKOLLOOR.

AWARD

This is a complaint under Section 33A of the Industrial Disputes Act, 1947 filed by one Sri K. Gopalan and 15 others, all saw mill workers of Messrs. K. Kesavan and Sons Saw Mills against the management of the same. It is stated that the

G. 2270.

workmen and the management are concerned in industrial dispute No. 15 of 1952 pending adjudication before this Tribunal and that during such pendency, the opposite party has in contravention of the provisions of Section 33 of the Act denied employment to them. Messrs. K. Kesavan and Sons Saw Mills is an adjunct to the cashewnut factories owned by the same management and usually there will be no work in the saw mills during periods of seasonal closure of the cashew factories. On 8-10-1955 the manager of the Saw Mills applied under Section 33 of the Act for permission to close down the saw mills for want of work and this Tribunal by order dated 28-10-1955 gave permission to close the Mills from 15-10-1955 till the next season for work in the connected cashewnut factory commenced. According to the workmen the management was bound to open the Mills in January 1956 when the next season began, but instead of providing work to the complainants the management again applied for extension of the normal period of annual closure with a view to deny them employment. This according to the workmen, would amount to an alteration of service conditions as contemplated under Section 33 of the Act.

2. The management has entered appearance and has denied all the allegations in the complaint. It is contended that when the Mill was remaining closed with the permission of this Tribunal, on 10-1-1956 an accidental fire broke out in the Saw Mill and adjacent tile works as a result of which the buildings with the entire machinery in the Saw Mill including all the electric installations, motors etc. have been completely burnt down. Since it was not possible to resume work in the Saw Mill when the cashew factories commenced operation, the management on 13-1-1956 applied for extension of the normal period of closure for six months more to reconstruct the saw mill and re-equip the same with new machineries. Thus according to the management the work of the Mill could not be resumed due to circumstances beyond their control and as such no action under Section 33A would lie.

3. Sri N. Raman Pillai the representative of the workmen while conceding that the fire was accidental for which the management could in no way be held responsible, would at the same time contend that the petition for closure and the application for extension were made simply to harass the workmen. He argued further that the Saw Mill in question including its machinery etc. and the buildings were all insured and the loss of the management was fully covered by the insurance while the workers were thrown out of employment with no corresponding relief. I fail to understand how a complaint under Section 33A could be sustained when even according to the workmen the non-employment was not occasioned by any wilful act of the management. Further it may be noted that this Tribunal gave permission to close down the Mill from 15-10-1955 till work was resumed in the Cashew factories owned by the same management and it was during this period that fire broke out and consumed the mill making it impossible to carry on any work

thereafter. And soon after the incident the management rushed to this Court with an application for further extension of the closure period. Sri Raman Pillai argued that permission was granted to close the mill only till the cashew season commenced in the factories and in so far as work in the factories started from the 1st of January 1956, the closure after this date was without the permission of this Tribunal and as such this complaint is maintainable on technical grounds. But I may point out that this contention also is without substance. There is absolutely no evidence let in by the workmen as to when the cashew factories started work in January 1956. One of the complainants who was examined beyond stating that it was usual to start work in the cashew factories in January did not swear that in the factories owned by the management, work commenced before the mill was burnt down. So in the absence of any evidence to show that the season in cashew factories started before the fire, it may be improper to draw any adverse inference against the management.

4. Sri Raman Pillai complained that reconstruction of the Saw Mill was purposely put off with a view to deny employment to these workmen. The manager of the mill has deposed that reconstruction work was started immediately after it was destroyed by fire and now the work is completed and all the workmen have been re-employed. I think it is beyond the scope of the enquiry of this complaint to sit in judgment over the conduct of the management regarding events that took place after the complaint and to impute motives in the absence of any evidence to substantiate the allegation.

5. From the foregoing discussion it is clear that there has been no contravention of the provisions of Section 33 of the Act and this complaint must be dismissed. Award passed accordingly.

K. PURUSHOTHAMAN NAIR,
Industrial Tribunal

Trivandrum,
17-6-1957.

Gazette No. 27 dated 2nd July 1957.

PART I

Labour and Local Administration Department (Labour A)

NOTIFICATION.

No. L. Dis. 9908/57/L & LAD.

Dated, Trivandrum, 25th June 1957.

The award of the Industrial Tribunal, No. II, Ernakulam, in respect of the dispute between the Management of Thazhai Inchikunnu Rubber Estate, Pulikkal, Mannarghat and their workmen represented by the Secretary, Walluvanad Taluk Rubber Estate Workers' Union, Angadipuram received by Government on 13th June 1957 is hereby published under Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,

P. I. Jacob,
Secretary.

Before

Sri V. U. Joseph, B. A., B. L.,
Industrial Tribunal, No. II, Ernakulam.

INDUSTRIAL DISPUTE No. 37/57

Between

THE SECRETARY,
Walluvanad Taluk Rubber Estate Workers' Union,
Angadipuram

And

THE MANAGEMENT OF
Thazhai Inchikunnu Rubber Estate, Pulikkal, Mannarghat.

AWARD.

1. The above dispute between the parties described above was originally referred to the Coimbatore Industrial Tribunal for adjudication by Order G. O. Ms. 2942 of the Department of Industries, Labour and Co-operation of the Government of Madras dated 15th June 1956. Subsequently this Tribunal was constituted as the corresponding authority in the place of the Coimbatore Industrial Tribunal for the trial and disposal of all the industrial disputes pending adjudication in the Court of the Coimbatore Tribunal from Malabar District and Kasercode Taluk on the date of the formation of the Kerala State. The files regarding the above dispute was sent to this Court on 18-2-1957 and immediately on receipt of the same, notices were issued to the parties posting the dispute to 15-3-1957 for enquiry and disposal in the Palghat Camp Court. As notice to the union was not served on that date, the enquiry was further postponed to 15-4-1957 in the same Camp Court. Both parties were ready to go on with the case that day and the union examined two witnesses that day. The enquiry was postponed to 25-5-1957 in the same Camp Court for want of time.

2. The issue referred for adjudication is whether the lock out of the estate is proper and to what relief the workers are entitled ? In the statement of the union it is contended that the

management proclaimed a lock out in the estate on 21-1-1956 without any previous notice to the workers. The management of the estate has not paid the arrears of pay due to the workers for the years 1951 to 1956. The lock out of the estate is a vindictive measure towards the workers for their trade union activities. The union prays for an order of this Tribunal to re-open the estate and provide work for the workers. All the arrears of wages due to the workers and also notice pay should be ordered to be paid to the workers.

3. In the statement filed by the management it is contended that the management has not declared a lock out. On the other hand the estate was closed for the usual rest period on 21-1-1956. The management was ready to settle the account with all the workers on 21-1-1956 giving every worker wages at the rate of Rs. 1-5-0 though the workers made a demand to get at the rate of Rs. 1-7-0. The workers promised to go over to the estate on 28-1-1957 for settlement of the accounts. Instead of coming for a settlement of the accounts, they started a 'Sathyagraha' in front of the residence of the Proprietor. On 31-1-1956 the Proprietor had to go to Travancore and in his absence the workers trespassed upon the estate, broke open the smoke house, took the tapping implements, and started tapping the trees. The protest and advice given by the authorities on the spot were of no avail. They did not give the latex to the management and by indiscriminate tapping they spoiled the trees. In this connection police registered a case against some of the workers which ended in the conviction of some. The Proprietor reinstated majority of the workers who expressed regret. No arrears of wages is due to any worker. The workmen are not entitled to any relief and their claim is to be dismissed summarily.

4. The parties and their representatives discussed in Court all the aspects of the dispute for a considerably long time. After three hours of discussion due to the good spirit of both parties, it was possible to come to a final settlement. The management agreed to pay Messrs. P. C. Kuriyappa, M. A. Mathai, C. Moideen, M. Mohamed, K. Abraham, C. Joseph, T. Achuthan Nair and M. Balan Nair Rs. 52-8-0 each. Over and above these amounts the management agreed to pay additional amounts of Rs. 51-8-6 to Mr. M. Balan Nair; Rs 91-0-6 to Sri T. Achuthan Nair and Rs. 104-6-6 to Sri K. Balan Nair. The Proprietor paid all these amounts to the workers in Court. The management agreed to reinstate Sri K. Balan Nair on the same conditions of service as he was having on 21-1-1956. A deed of settlement was drawn up embodying all these terms. The Proprietor and the workers and the Union President Sri K. Krishnan, M. L. A., signed the settlement deed in Court in my presence. The settlement deed is given below as annexure and will form part of the award. I pass the award on terms and conditions given in the deed of settlement and will become enforceable after thirty days of its publication in the Government Gazette.

Ernakulam,
13-6-1957.

V. U. Joseph,
Industrial Tribunal, No. II.

ANNEXURE

INDUSIRIAL DISPUTE No. 37/57

Between

THE SECRETARY,

WALLUVANAD TALUK RUBBER ESTATE WORKERS' UNION,
ANGADIPURAM

And

THE MANAGEMENT,

THAZHAI INCHIKUNNU RUBBER ESTATE, PULIKKAL, MANNARGHAT.

The above dispute between the parties is settled on terms and conditions given below : —

1. The eight workers namely P. C. Kuriyappa, M. A. Mathai C. Meideen, M. Mohamed, K. Abraham, C. Joseph, T. Achuthan Nair and M. Balan Nair will be paid Rs. 52-8-0 each by the management. Over and above this amounts Mr M. Balan Nair will be paid Rs. 51-8-6 and Sri T. Achuthan Nair will be paid Rs. 91-0-6. Over and above this payment K. Balan Nair will be paid Rs. 104-6-6.

2. The management also agrees to re-instate Mr. K. Balan Nair, the conditions of service being the same as he was having on 20-1-1956.

The ameunt is paid in Court.

Agreeing to this terms the Proprietor, the union representatives and the workers signed this agreement in Court te-day this the 25th day of May 1957.

(Sd.)
PROPRIETOR.

(Sd.)
WALLUVANAD ESTATE WORKERS' UNION.

(Sd.)
പി. സി. കുരിയപ്പ.

(Sd.)
എം. എ. മത്തായി.

(Sd.)
ടി. അച്ചുതൻ നായർ.

(Sd.)
എം. ബാലൻ.

(Sd.)
കെ. ബാലൻ നായർ.

Gazette No. 27 dated 2nd July 1957.

PART I

Labour and Local Administration Department (Labour A)

NOTIFICATION

No. L. Dis. 9907/57/L & LAD.

Dated, Trivandrum, 25th June 1957.

The award of the Industrial Tribunal, No. II, Ernakulam in respect of the dispute between the Management of Arippanozhi Estate, Pulikkal, Pottasseri and their workmen represented by the Secretary, Walluvanad Taluk Estate Workers' Union, Angadipuram received by Government on 13-6-1957 is hereby published under Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order of the Governor,
P. I. JACOB,
Secretary

Before

SRI V. U. JOSEPH, B. A., B. L.,
Industrial Tribunal No. II, Ernakulam

INDUSTRIAL DISPUTE No. 45/57

Between

THE SECRETARY,

WALLUVANAD TALUK ESTATE WORKERS' UNION, ANGADIPURAM

And

THE MANAGEMENT OF

ARIPPANAZHI ESTATE, PULIKKAL, POTTASSERI.

AWARD

1. The above dispute was referred originally to the Coimbatore Industrial Tribunal for adjudication by G. O. Ms. 1746 of the Department of Industries, Labour and Co-operation of the Government of Madras dated 27th April 1956. Subsequently this Tribunal was constituted as the corresponding authority in the place of the Coimbatore Industrial Tribunal for the trial and disposal of all the cases pending adjudication in the Court of Coimbatore Industrial Tribunal from Malabar District of Kasergode Taluk on the date of the formation of the Kerala State. Accordingly the files in the above dispute was sent to this Court on 18-2-1957. Immediately on receipt of the files notices were issued to the parties posting the dispute to 16-3-1957 in the Palghat Camp Court for enquiry and disposal. As notices were

not served on the parties on that date the enquiry was further adjourned to 15-4-1957. On that day, both parties were ready to go on with the case and the Union examined one witness on their side and for want of time the case had to be adjourned to 25-5-1957 as desired by both parties in the Palghat Camp Court itself.

2. The issue referred for adjudication is "whether the dismissal of Sri K. C. Hamza and A. T. Thomas is proper and to what relief are they entitled ?"

3. In the statement filed by the Union it is contended that these two workers were given work till 23-7-1955 on which date they were discharged. Both of them were permanent workers in the estate. The said discharge is illegal as it was done without assigning any reasons. The workmen concerned were never charge-sheeted nor was there any enquiry in this matter. The workmen concerned were not given any opportunity to explain their conduct. Of the two discharged workers, Sri A. T. Thomas is the Secretary of the Union while Sri K. C. Hamza is its Vice-President. The discharge complained off is nothing but an act of victimisation for their trade union activities. The two workers concerned have to be reinstated with back wages and continuity of service.

4. In the reply statement, the Proprietor of the Estate has denied in general all the allegations in the statement of the Union. These two workers were temporary hands. Of the two Sri A. T. Thomas was appointed in the leave vacancy of one Velayudhan and Sri Hamza was an inexperienced worker. The workmen concerned have worked in the estate only 106 and 118 days respectively. The management has not discharged any worker. Sri A. T. Thomas made a request through the Writer of the estate that he wanted to return to his native place urgently and demanded the settlements of his accounts. Accordingly all his dues were settled and he left the estate voluntarily after giving a receipt for the amount he received from the estate. A similar request was made by Sri Hamza through the Writer and his accounts were settled and he left the estate willingly after receiving the amounts due to him and he also passed a receipt. The Proprietor contends that the allegation in the statement of the Union that the above workers were discharged without any enquiry and charge-sheet is without any foundation. The workmen concerned are not entitled to reinstatement nor are they entitled to any other reliefs.

5. The different aspects arising in the order of reference were discussed in Court in the presence of the parties and their representatives and a settlement was arrived at. The management agreed to pay Rs. 100 to each worker in consideration of their giving up all their claims against the estate and the management. The amount of Rs. 200 was paid to the two workmen concerned in Court. A deed of settlement was drawn up in Court containing the terms of settlement. The Proprietor of the estate and the workmen concerned and their representatives put their signature in the settlement deed in my presence

which is given below as 'annexure' forming part of the award. I pass the award in terms of the deed of settlement given below as 'annexure' and the same will become enforceable after thirty days of its publication in the Government Gazette.

Ernakulam,
13-6-1957.

V. U. Joseph,
Industrial Tribunal No. II.

ANNEXURE

INDUSTRIAL DISPUTE No. 45/57

Between

THE SECRETARY,

Walluvanad Taluk Estate Workers' Union, Angadipuram

And

THE MANAGEMENT

Arippanazhi Inchikunnu Estate,
Pulikkal P. O., Pottassery.

The above dispute between the parties is compromised on terms and conditions given below.

1. The management agrees to pay Rs. 100 to each worker in consideration of their giving up all their claims against the estate and the management. The amount of Rs. 200 is paid in Court to the workers concerned.

Agreeing to this terms the parties have signed hereunder today in Court this the 25th day of May 1957.

(Sd.)
Proprietor.

(Sd.)
Walluvanad Estate Workers' Union.

(Sd.)
A. T. Thomas.

(Sd.)
K. C. Hamza.

Gazette No. 27 dated 2nd July 1957.

PART I. Section IV.

Public Works Department (Transport 'B')

NOTIFICATION

T.B. 1-9178|57|PW.

Dated, Trivandrum, 1st July 1957.

In exercise of the powers conferred by Section 68-I of the Motor Vehicles Act, 1939 (Central Act IV of 1939) the Government of Kerala hereby make the following rules, the same having been previously published as required by sub-section (1) of Section 133 of the said Act.

By order of the Governor,
G. MADHAVAN,
Secretary to Government.

RULES

(1) These rules may be called the Kerala Motor Vehicles (State Transport Undertakings) Rules, 1957.

(2) These rules shall come into force on 2-7-1957.

(3) In these rules unless the context otherwise requires the expression "the Act" means the Motor Vehicles Act 1939 (Central Act IV of 1939).

(4) Whenever the Director of State Transport, Kerala is convinced that the Road Passenger Service in any area or route should be wholly or partially operated by his department in the interest of efficient, adequate, economical and properly co-ordinated services, he may prepare and publish, with the prior approval of Government, a scheme for the purpose, in the Government Gazette, under Section 68C of the Act.

(5) When the proposal is to operate the services in simultaneous replacement of all the permits in force at the time, the scheme shall be prepared and published in the form shown in Appendix AA; and when the proposal is for partial replacement only of the permits in force, the scheme shall be prepared and published in the form shown in Appendix AB.

(6) The scheme proposed shall contain the following particulars, namely:—

(a) The route or routes in which State Transport undertaking proposes to introduce its services.

(b) The route length in respect of each route incorporated in the scheme.

(c) Important stations served by each route mentioned in the scheme.

(d) The class of service proposed to be operated viz. (i) passenger, (ii) goods services.

(e) The date from which each scheme is proposed to be implemented.

(7) The Director of State Transport shall also simultaneously forward copies of the scheme to the Secretaries of the R. T. As. within whose jurisdiction the area or route mentioned in the scheme lies and the State Transport Authorities.

(8) (1) All objections under Section 68 D of the Act to the scheme as published in the Official Gazette shall be filed

within the sepecified period before Secretary to Government, P. W. D. with copy to Director of Transport and the Secretaries of the State Transport Authority and the concerned Regional Transport Authorities.

Every objection shall contain the following details:—

1. Name and address of the objector.
2. Whether he is an operator or not.
3. If he is an operator in the proposed routes, the following details about the services run by him in the proposed route or routes shall be furnished:—
    1. Route or routes.
    2. Length of each route.
    3. Important stations served in each route.
    4. No. of vehicles operated in each route with their name and year of make.
    5. Seating capacities.
    6. No. of trips scheduled in each route.
    7. Registration No. of each vehicle and date of expiry of its permits
    8. No. of employees engaged.

(2) Every objection shall bear a court fee stamp of 2 rupees.

(3) The Secretary to the Government, P. W. D. shall conduct the hearing under section 68D(ii) of the Act and pass orders.

(4) The notices to parties for attending hearings and the final orders of the Government on the objection petitions will be served on the parties by registered post.

(9) The approved scheme shall be published in the Government Gazette in the form shown in Appendix AC.

Appendix AA.

Where the Kerala State Transport Department proposes to operate, as early as may be the stage carriage service in complete exclusion of other persons, in the route|area noted below, with a view to affording efficient, adequate, economical and properly co-ordinated road transport passenger service and whereas the stage carriage permits in force in or touching the said area|route have therefore to be replaced, cancelled or modified as the case may be, the undersigned is hereby publishing this scheme under Section 68C of the M. V. Act 1939 (Central Act IV of 1939) for general information.

Any person affected by the scheme may file his objections before Secretary to Government, P. W. D. within thirty days of the publication of the scheme in the official Gazette in the prescribed manner under Section 68D of the Act.

(Here enter a detailed description of the route or area. In the case of routes the starting point, important intermediate Stations and destination and the length of route should be mentioned).

(Sd.)
Director of State Transport.

Appendix AB.

Whereas the Kerala State Transport Department proposes to introduce as soon as may be regular stage carriage services in partial exclusion of the persons in the area|route noted below with a view to affording efficient adequate, economical and properly co-ordinated road transport passenger service by replacement or cancellation or modification as the case may be of the stage carriage permits in force in the said area|route whenever found necessary, the undersigned is hereby publishing this scheme under Section 68C of the M. V. Act, 1939 (Central Act IV of 1939) for general information.

Any person affected by the scheme may file his objections before Secretary to Government P. W. D. within thirty days from the date of publication of the scheme in the official Gazette in the prescribed manner under Section 68D of the Act.

(Here enter a detailed description of the route or area. In the case of routes the starting point, important intermediate Stations and destination and the length of the route should be mentioned.)

(Sd.)
Director of State Transport.

Appendix AC

Whereas the Kerala State Transport Department has prepared and published in the Government Gazette dated .... a scheme under Section 68C of the M. V. Act, 1939 (Central Act IV of 1939) as amended by Act 100 of 56 for the operation of stage carriage services by the Department in the area............| route and whereas the Government have considered as required by the Act the objections filed to the said scheme, it is hereby notified under Section 68D of the Act that with a view to providing an efficient, adequate, economical and properly co-ordinated road transport passenger service, the Government approve the scheme as noted below and declare the area|route to be a notified area|notified route with effect from ....

(Here enter the area or route. In the case of routes, the starting point, important intermediate points and destination and the length of the route should be given.)

(Sd.)
Secretary to Government
P. W. Department.